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U.S. MAGISTRATE JUDGE

BY _____



SEALED

Office of the United States Attorney
District of Nevada
501 Las Vegas Boulevard South,
Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada
Nevada Bar #13644
RACHEL KENT
Special Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
Phone: (702) 388-6336
Rachel.kent@usdoj.gov
Attorneys for the United States of America

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S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHUONG TANG,

Defendant.

Case No. 2:19-MJ-00964-EJY

APPLICATION TO SEAL

UNDER SEAL

The United States of America, by and through NICHOLAS A. TRUTANICH, United States Attorney, and Rachel Kent, Special Assistant United States Attorney, respectfully move this Honorable Court for an Order sealing the Complaint, Probable Cause Affidavit, Arrest Warrant, AO257, this Application, and the Court's Sealing Order, in the above-captioned matter, until such time as this Honorable Court, or another Court of competent jurisdiction, shall order otherwise.


Pursuant to LR IA 10-5, the Government requests that the accompanying Complaint in this case be filed under seal. *See generally*, Fed. R. Crim. P. 6(e)(4) (permitting for the sealing of an indictment); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982) (supporting the sealing of a search warrant when there is reasonable cause to believe that providing immediate notification may have adverse results); *Matter of Sealed Affidavit(s) to Search Warrants*, 600 F.2d

1 1256 (9th Cir. 1979) (same); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975) (same). In this
2 case, such an order would be appropriate because the Complaint and Affidavit relate to an
3 ongoing criminal investigation into a violations of Title 18, United States Code, Sections 1038,
4 that is neither public nor known to all of the targets of the investigation and its disclosure may
5 alert the targets to the ongoing investigation and pending arrest warrant. Public disclosure of
6 the information in the Complaint might possibly jeopardize the investigation because
7 Defendant Phuong Tang is not yet in custody. Although Tang is generally aware of the
8 investigation and has spoken with investigators on multiple occasions, he is unaware federal
9 charges are being sought against him. If he were to learn of the charges via an unsealed
10 Complaint, he may take evasive measures or destroy potential evidence, or both. Defendant
11 Tang's knowledge that an arrest warrant has been issued against him may also increase risks to
12 law enforcement in apprehending him. Accordingly, there is reason to believe that disclosure of
13 the information will jeopardize the investigation, including by giving a target an opportunity to
14 flee, destroy or tamper with evidence, change patterns of behavior, or notify confederates.

15 DATED this 23rd day of December, 2019.

16 Respectfully submitted,

17 NICHOLAS A. TRUTANICH
18 United States Attorney

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21 RACHEL KENT
22 Special Assistant United States Attorney
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHUONG TANG,

Defendant.

Case No.

2:19-MJ-00964-EJY

ORDER TO SEAL

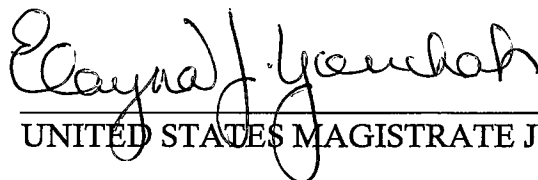
UNDER SEAL

Based on the pending Application of the Government, and good cause appearing therefore, **IT IS HEREBY ORDERED** that the Complaint, the Probable Cause Affidavit, Arrest Warrant, AO257, the Government's Application, and this Court's Sealing Order, in the above-captioned matter shall be sealed until further Order of the Court.

IT IS FURTHER ORDERED THAT the Clerk's Office for the United States District Court for the District of Nevada must release the sealed complaint to the CJA Panel Resource Attorney, who may use the information in the sealed complaint for the sole purpose of securing defense counsel in a timely manner.

IT IS FURTHER ORDERED THAT, on the day of the arrest of the first defendant in this case, the CJA Resource Attorney may provide defense counsel a copy of the sealed complaint.

DATED this 23 day of December, 2019.


UNITED STATES MAGISTRATE JUDGE